

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAULA ENCARNACION,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No.: 04-12021 MEL

**DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF PAULA ENCARNACION**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant requests that the Plaintiff respond to the following requests and produce the following documents at the office of the United States Attorney for the District of Massachusetts, 1 Courthouse Way, Boston, MA 02210. If the documents have been produced either through the Plaintiff's Initial Disclosure or at a later date please declare with specificity that such documents have been produced and that there are or are not other documents which are responsive to the specific request.

1. Please produce any and all documents in your possession or in the possession of your attorneys, agents, representatives, or prospective witnesses that support, or appear to support or are in any way related to your allegations of negligence on the part of the Defendant.

2. Please produce all photographs, diagrams, X-rays, or such other related or similar documents in your possession or the possession of your attorneys, agents, representatives or witnesses which depict or purport to depict:

1. The area or location at which the incident occurred;
2. The injuries which you alleged to have suffered as a result of the incident.

3. Please produce each document you have described or identified in response to the Defendant's first set of interrogatories filed herewith.
4. Please produce any and all hospital records, medical reports, chiropractic reports, evaluations, opinions, diagnoses, treatments, and prognoses pertaining to your treatment and care for injury claimed to have been sustained in the incident giving rise to this action.
5. Please produce each and every medical or other bill that you claim was incurred as a result of injury claimed to have been sustained in the incident giving rise to this action.
6. Please produce any and all documents tending to support the conclusions or opinions of any medical or scientific expert retained by you in connection with the instant action and who is expected to testify at trial.
7. Please produce any and all documents containing the statements or observations of persons who have knowledge of facts tending to support the nature and extent of your claimed injuries and damages.
8. Please produce any and all documents tending to support any claim for loss of earnings or for loss of earning capacity, past, present or future, as a result of the incident giving rise to this action.
9. Please produce all bills and records for repair and servicing of the vehicle that you were driving and that was involved in the incident for the 12 month period prior to and for the 6 month period immediately after the date of the incident giving rise to this action.
10. Please produce the most recent photograph, prior to the date of the incident, of the

vehicle you were driving and that was involved in the incident, and any and all photographs of the vehicle taken after the incident.

11. Please produce the curriculum vitae of any person you intend to call as an expert witness at a trial of this action, any reports prepared by such expert with reference to the matters herein and the material relied upon by said expert.

12. Please produce copies of all lien notices filed against you for expenses related to the incident giving rise to this action.

13. Please produce a copy of the registration for the motor vehicle which you were driving and that was involved in the incident giving rise to this action.

14. Please produce a copy of your driver's license and verification of the status of your driver's license existing at the time of the incident giving rise to this action.

15. Please produce all reports made by you to any police department, registry of motor vehicles, or other governmental agency concerning the incident giving rise to this action or the damage or injuries suffered as a result thereof.

16. Please produce any and all applications, notices, proof of loss, reports, letters or correspondence sent or submitted by you to any employer, insurance company, agent, broker, adjuster or investigator, or to any employee or agent of an insurance company, which relates to any issue arising out of the incident giving rise to this action.

17. Please produce any and all documents, including but not limited to reports, statements, correspondence, memoranda, and notes of oral communications, which were filled out, drafted, or produced by any expert or experts concerning the incident giving rise to this action.

18. Please produce any and all documents and/or other tangible thing which you intend to offer into evidence or otherwise use at the trial of this action.

19. Please produce any and all written statements, transcriptions or other writings or recordings concerning any conversations, meetings or other contact regarding the incident and/or its consequences between you and:

1. The operator of the defendant's vehicle;
2. Any person investigating this incident.

20. Please produce any and all documents contained in your employment personnel record(s) for the 10 year period prior to, or at any time subsequent to the date of the incident giving rise to this action, including but not limited to evaluations, driving records, accident reports, and documentation of any type of claims which have been filed against you.

21. Please produce copies of any citations or tickets or other documented restrictions upon your driving privileges for any moving violation, equipment violation or any other motor vehicle violations in any state during the ten (10) year period prior to, at the time of, or at any time subsequent to, the date of the incident giving rise to this action.

22. Please produce copies of all correspondence, pleadings, depositions, or written materials which relate in any manner to any lawsuit or claim filed against you alleging negligence while operating a motor vehicle for the 10 year period prior to, or at any time subsequent to the date of the incident giving rise to this action.

23. Please produce copies of the plaintiff's automotive insurance policy concerning the plaintiff's vehicle in question for the 10 year period prior to, or at any time subsequent to the date of the incident giving rise to this action. If the

plaintiff does not own the plaintiff's vehicle used giving rise to this action, please provide the insurance policy that corresponds to that vehicle in addition to the plaintiff's automotive insurance policy for the 10 year period prior to, or at any time subsequent to the date of the incident giving rise to this action.

Respectfully submitted,
MICHAEL SULLIVAN
United States Attorney

By: 

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